

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOHN M. KEARNEY,

Appellant Below-  
Appellant,

v.

COASTAL ZONE INDUSTRIAL  
CONTROLBOARD, DEPARTMENT  
OF NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL,  
and E.I. DUPONT DE NEMOURS  
AND CO.,

Appellees Below-  
Appellees.

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§ No. 159, 2005

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§ Court Below—Superior Court

§ of the State of Delaware

§ in and for New Castle County

§ C.A. No. 03A-11-008

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Submitted: January 13, 2006

Decided: March 9, 2006

Before **HOLLAND, JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 9<sup>th</sup> day of March 2006, upon consideration of the parties' briefs and the record below, it appears to the Court that the judgment of the Superior Court should be affirmed on the basis of and for the reasons set forth in its well-reasoned decision dated March 18, 2005.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is **AFFIRMED**.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice